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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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| In re Application of: | : | |
| KLAVENESS et al. | : | Group Art Unit: 1616 |
| Serial No.: 09/765,614 | : | Examiner: M. Hartley |
| Filed: January 22, 2001 | : | |

For: IMPROVEMENTS IN OR RELATING TO DIAGNOSTIC/ THERAPEUTIC AGENTS

## RESPONSE TO RESTRICTION REQUIREMENT

ASSISTANT COMMISSIONER FOR PATENTS
Washington, D.C. 20231

Sir:

This is in response to the Official Action of March 22, 2002, in connection with the above identified application. The period for response to this Official Action has been extended to expire on May 22, 2002, by the filing herewith of a Petition for a One Month Extension of Time and payment of the required fee.

The Official Action urges that the application contains claims directed to the following patentably distinct species of the claimed invention: 1) various gases, 2) various vector molecules, and 3) various linker molecules. Applicants elect, with traverse, to the extent that the election is understood, the group 1 species, including the various gases and all the claims are readable on the elected species.

It is further urged that in the Official Action Applicant is required to elect a single disclosed species on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. It is recognized that claim 38 is generic. The Examiner states that a single disclosed species will name a specific gas, a specific vector and linker as well as any additional components contained in the agent. In response to this aspect of the requirement, Applicants elect perfluorobutane as the gas, anti-CD34 antibody is the vector and wherein the coupling of the antibody to the microbubbles is carried out through the use of the thiolated groups, see Example 5, page 120 of the specification.

In the event that an additional species is required which is attached to a therapeutic agent, Applicants note the species in Example 19. In this latter case, the specific gas is perfluorobutane, the vector is anti-CEA antibody, coupling is via the thiolated groups and the therapeutic agent is the anticancer prodrug N-trifluoroacetyladriamycin-14-valerate.

Applicants note that the present application is a continuation application and claims benefit of both foreign priority and domestic priority documents. Accordingly, the next Official Action should acknowledge the receipt of the priority documents and the claims for priority and domestic priority under 35 U.S.C. 119 and 35 U.S.C. 120. In addition, the prior art cited in the parent application should be considered and Applicants are also submitting herewith copies of the references and the Form 1449. It would be appreciated that after consideration of the references, the initialed and dated Form 1449 be returned.

In view of the election, an early and favorable action on the merits of the claims now present in the application are most respectfully requested.

Respectfully submitted,

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May 22, 2002